

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 38-50 have been amended. Support for the amendments is provided at least in Fig. 8 and paragraphs 74-78 of the published specification.

Claims 38, 39, 42-47 and 50 stand rejected, under 35 USC §102(e), as being anticipated by Mohebbi (US 6,889,046). Claims 40 and 41 stand rejected, under 35 USC §103(a), as being unpatentable over Mohebbi in view of Parkvall et al. (US 6,542,736). It is unclear from the Final Rejection, whether claims 48 and 49 are rejected. The Applicants respectfully traverse all applied rejections and submit that all pending claims are allowable based on the points set forth below.

Claim 38 defines a transmission system having a communication terminal and a plurality of base stations. The communication terminal communicates: (1) acknowledgment or negative acknowledgment (ACK/NACK) information to the base stations indicating whether an error was detected in a received packet, (2) packet number information indicating the packet number of the received packet, and (3) base station selection information indicating a selected base station. Each base station determines a transmission target packet based on the received ACK/NACK information and the packet number information and, if selected according to the base station selection information, communicates the determined packet to the selected communication terminal.

The claimed subject matter supports the ability for all base stations communicating with a communication terminal to know the number of the next packet to be transmitted to the

communication terminal. Thus, as the propagation environment changes during the communication of a series of packets and different base stations are selected to communicate some of the packets, each of the selected base stations will know which packet in the series is next to be communicated (see paragraphs 27 and 28 of the specification).

By contrast to the claimed subject matter, Mohebbi discloses a communication terminal that selects a base station, according to channel states between base stations and the communication terminal, and transmits information of the selected base station in an uplink to a base station controller (see Mohebbi col. 4, lines 34-52). Mohebbi's base station controller identifies the selected base station from the received information and transmits a next packet to the selected base station for forwarding to the mobile station (see col. 4, line 53, through col. 5, line 2).

However, Mohebbi does not disclose communicating packet identifying information from a mobile station to a base station and, thus, cannot disclose communicating a next packet identified by received packet identifying information from the base station to the mobile station. And it follows that Mohebbi would not disclose these features because Mohebbi's base station controller is the only device that schedules the transfer of a packet to the mobile station via a selected base station. Thus, Mohebbi's base station controller never becomes uncertain as to which packets have been transferred and which have not.

By contrast to Mohebbi's disclosure, the claimed subject matter distributes the packet scheduling functionality among a plurality of base stations. Since each base station has no direct knowledge of the packets other base stations have sent to a communication terminal, the claimed communication terminal informs each of the base stations which packet is to be sent next and a

selected base station communicates the identified packet. Mohebbi fails to disclose these features.

More specifically, Mohebbi fails to disclose the claimed subject matter whereby a communication terminal communicates to a plurality of base stations: (1) ACK/NACK information indicating whether an error is detected in a received packet, (2) packet number information indicating a packet number of the received packet, and (3) base station selection information indicating a selected base station. Mohebbi also fails to disclose the claimed subject matter whereby each base station determines a transmission target packet to be next communicated based on the received ACK/NACK information and packet number information. In accordance with the Advisory Action's recommendation (see page 2, last four lines), the amendment of claim 38 defines in greater detail the features that support the claimed invention's ability to synchronize a packet scheduling function among a plurality of base stations.

Accordingly, Applicants submit that Mohebbi does not anticipate the subject matter now defined by claim 38. Independent claim 46 now similarly recites the above-mentioned features distinguishing apparatus claim 38 from the applied references, but does so with respect to a method. Independent claims 43 and 44 recite the above-mentioned distinguishing features of the base station apparatus and communication terminal apparatus, respectively. Therefore, the rejections applied to claims 40 and 41 are obviated and allowance of claims 38, 43, 44, and 46 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

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